

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CONNOR SPORT COURT
INTERNATIONAL, INC.,

Plaintiff,

vs.

SNAP COURT, LLC, JEREMIAH
SHAPIRO, et al.,

Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING PLAINTIFF'S
RULE 56(f) MOTION TO PERMIT
DISCOVERY REGARDING
CLAIMS AGAINST SHAPIRO

Case No. 2:05-CV-328 TS

This matter is before the Court on Plaintiff's Rule 56(f) Motion to Permit Discovery Regarding Claims Against Shapiro.

Pursuant to Fed. R. Civ. P. 56(f), Plaintiff requests additional time to respond in order to obtain discovery on specific issues of fact. These issues include whether Shapiro's new job involves tasks "virtually identical" to those he performed at Sport Court, which duties would inevitably utilize Sport Court's confidential and/or trade secret information. Plaintiff's request is properly supported with affidavits as required by Rule

56(f).¹ The fact that discovery is not complete is insufficient to obtain a Rule 56(f) continuance.² However, "unless dilatory or lacking in merit, the motion should be liberally treated."³


The Court finds that Plaintiff has properly supported its Rule 56(f) motion and it should be granted. It is therefore

ORDERED the Plaintiff's Rule 56(f) Motion to Permit Discovery Regarding Claims Against Shapiro (Docket No. 57) is GRANTED. It is further

ORDERED that Plaintiff shall have until February 28, 2006, to complete discovery necessary to respond to the Motion. Plaintiff shall file its opposition to the Motion no later than 15 days after February 28, 2006.

DATED this 14th day of November, 2005.

BY THE COURT:



TED STEWART
United States District Judge

¹See *Jensen v. Redevelopment Agency of Sandy City*, 998 F.2d 1550, 1554 (10th Cir. 1993) (explaining when affidavits properly support a Rule 56(f) motion)).

²*Id.*

³*Id.*